

105TH CONGRESS
2D SESSION

S. 2091

To amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 19, 1998

Mr. GRAMS introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XVIII of the Social Security Act to ensure medicare reimbursement for certain ambulance services, and to improve the efficiency of the emergency medical system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Emergency Medical
5 Services Efficiency Act of 1998”.

1 **TITLE I—MEDICARE COVERAGE**
2 **OF CERTAIN AMBULANCE**
3 **SERVICES**

4 **SEC. 101. MEDICARE COVERAGE OF CERTAIN AMBULANCE**
5 **SERVICES.**

6 (a) COVERAGE.—Section 1861(s)(7) of the Social Se-
7 curity Act (42 U.S.C. 1395x(s)(7)) is amended by striking
8 “regulations;” and inserting “regulations, except that
9 such regulations shall not fail to treat ambulance services
10 as medical and other health services solely because the ul-
11 timate diagnosis of the individual receiving the ambulance
12 services results in the conclusion that ambulance services
13 were not necessary, as long as the request for ambulance
14 services is made after the sudden onset of a medical condi-
15 tion that is manifested by symptoms of such sufficient se-
16 verity, including severe pain, that a prudent layperson,
17 who possesses an average knowledge of health and medi-
18 cine, could reasonably expect to result, without immediate
19 medical attention, in—

20 “(A) placing the individual’s health in serious
21 jeopardy;

22 “(B) serious impairment to the individual’s
23 bodily functions; or

24 “(C) serious dysfunction of any bodily organ or
25 part of the individual;”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply to items and services provided
 3 on or after the date of enactment of this Act.

4 **TITLE II—STATE EMERGENCY**
 5 **MEDICAL SERVICES AGENCY**
 6 **PARTICIPATION IN CERTAIN**
 7 **FEDERAL PROGRAMS**

8 **SEC. 201. TELEMEDICINE AND DISTANCE LEARNING SERV-**
 9 **ICES IN RURAL AREAS.**

10 (a) IN GENERAL.—Section 2333(c)(1) of chapter 1
 11 of subtitle D of title XXIII of the Food, Agriculture, Con-
 12 servation, and Trade Act of 1990 (7 U.S.C. 950aaa–
 13 2(c)(1)) is amended by adding at the end the following
 14 flush sentence:

15 “For purposes of this paragraph, the term ‘entities’
 16 shall include State emergency medical services agen-
 17 cies.”.

18 (b) EFFECTIVE DATE.—The amendment made by
 19 subsection (a) shall take effect on the date of enactment
 20 of this Act.

21 **SEC. 202. INFORMATICS, TELEMEDICINE, AND EDUCATION**
 22 **DEMONSTRATION PROJECT.**

23 (a) IN GENERAL.—Section 4207(c) of the Balanced
 24 Budget Act of 1997 (42 U.S.C. 1395b–1(c) note.) is

1 amended by adding at the end the following flush sen-
 2 tence:

3 “A State emergency medical services agency may
 4 participate in the consortium under this section.”.

5 (b) EFFECTIVE DATE.—The amendment made by
 6 subsection (a) shall take effect on the date of enactment
 7 of this Act.

8 **TITLE III—FEDERAL COMMIS-**
 9 **SION FOR EMERGENCY AMBU-**
 10 **LANCE SERVICES**

11 **SEC. 301. DEFINITION OF EMERGENCY AMBULANCE SERV-**
 12 **ICES.**

13 In this title, the term “emergency ambulance serv-
 14 ices”—

15 (1) means resources used by a qualified public,
 16 private, or nonprofit entity to deliver medical care
 17 under emergency conditions—

18 (A) that occur as a result of the condition
 19 of a patient; or

20 (B) that occur as a result of a natural dis-
 21 aster or similar situation; and

22 (2) includes services delivered by an emergency
 23 ambulance employee that is licensed or certified by
 24 a State as an emergency medical technician, a para-

1 medic, a registered nurse, a physician assistant, or
2 a physician.

3 **SEC. 302. ESTABLISHMENT OF COMMISSION.**

4 (a) ESTABLISHMENT.—There is established a com-
5 mission to be known as the Federal Commission for Emer-
6 gency Ambulance Services (in this title referred to as the
7 “Commission”).

8 (b) MEMBERSHIP.—

9 (1) COMPOSITION.—The Commission shall be
10 composed of 21 members, of whom—

11 (A) 1 shall be an individual who is ap-
12 pointed by the Majority Leader of the Senate;

13 (B) 1 shall be an individual who is ap-
14 pointed by the Minority Leader of the Senate;

15 (C) 1 shall be an individual who is ap-
16 pointed by the Speaker of the House of Rep-
17 resentatives;

18 (D) 1 shall be an individual who is ap-
19 pointed by the Minority Leader of the House of
20 Representatives;

21 (E) 1 shall be a member of the American
22 Academy of Pediatrics, appointed by the Presi-
23 dent from a list of nominations submitted by
24 the American Academy of Pediatrics;

1 (F) 1 shall be a member of the American
2 Ambulance Association, appointed by the Presi-
3 dent from a list of nominations submitted by
4 the American Ambulance Association;

5 (G) 1 shall be a member of the American
6 College of Emergency Physicians, appointed by
7 the President from a list of nominations sub-
8 mitted by the American College of Emergency
9 Physicians;

10 (H) 1 shall be a member of the Committee
11 on Trauma within the American College of Sur-
12 geons, appointed by the President from a list of
13 nominations submitted by the American College
14 of Surgeons;

15 (I) 1 shall be a member of the American
16 Hospital Association, appointed by the Presi-
17 dent from a list of nominations submitted by
18 the American Hospital Association;

19 (J) 1 shall be a member of the Committee
20 on EMS–F30 within the American Society for
21 Testing and Material, appointed by the Presi-
22 dent from a list of nominations submitted by
23 the American Society for Testing and Material;

24 (K) 1 shall be a member of the Associated
25 Public Safety Communications Officials Inter-

1 national, appointed by the President from a list
2 of nominations submitted by the Associated
3 Public Safety Communications Officials Inter-
4 national;

5 (L) 1 shall be a member of the Association
6 of Air Medical Services, appointed by the Presi-
7 dent from a list of nominations submitted by
8 the Association of Air Medical Services;

9 (M) 1 shall be a member of the Emergency
10 Nurses Association, appointed by the President
11 from a list of nominations submitted by the
12 Emergency Nurses Association;

13 (N) 1 shall be a member of the Inter-
14 national Association of Fire Chiefs, appointed
15 by the President from a list of nominations sub-
16 mitted by the International Association of Fire
17 Chiefs;

18 (O) 1 shall be a member of the Inter-
19 national Association of Fire Fighters, appointed
20 by the President from a list of nominations sub-
21 mitted by the International Association of Fire
22 Fighters;

23 (P) 1 shall each be a member of a govern-
24 ing body of an Indian tribe (as that term is de-
25 fined in section 4(e) of the Indian Self-Deter-

1 mination and Education Assistance Act (25
2 U.S.C. 450b(e)), appointed by the President;

3 (Q) 1 shall be a member of the National
4 Association of Emergency Medical Services
5 Physicians, appointed by the President from a
6 list of nominations submitted by the National
7 Association of Emergency Medical Services
8 Physicians;

9 (R) 1 shall be a member of the National
10 Association of State Emergency Medical Serv-
11 ices Directors, appointed by the President from
12 a list of nominations submitted by the National
13 Association of State Emergency Medical Serv-
14 ices Directors;

15 (S) 1 shall be a member of the National
16 Association of Emergency Medical Technicians,
17 appointed by the President from a list of nomi-
18 nations submitted by the National Association
19 of Emergency Medical Technicians;

20 (T) 1 shall be a member of the National
21 Rural Health Association, appointed by the
22 President from a list of nominations submitted
23 by the National Rural Health Association; and

24 (U) 1 shall be a member of the National
25 Volunteer Fire Council, appointed by the Presi-

dent from a list of nominations submitted by
the National Volunteer Fire Council.

(2) ADDITIONAL REQUIREMENTS.—

(A) GEOGRAPHICAL REPRESENTATION AND
URBAN AND RURAL REPRESENTATION.—In
making appointments of members under para-
graph (1), the appointing officials described in
such paragraph shall, through consultation and
collaboration with each other, select—

(i) members who are geographically
representative of the United States; and

(ii) members who are representative of
rural areas and urban areas.

(B) SPECIAL RULE.—The appointing offi-
cials described paragraph (1) shall ensure that,
of the members appointed—

(i) 11 shall be representative of rural
areas; and

(ii) 11 shall be representative of
urban areas.

(3) DATE.—The appointments of the members
of the Commission shall be made not later than Jan-
uary 1, 1999.

(c) PERIOD OF APPOINTMENT; VACANCIES.—

1 (1) PERIOD OF APPOINTMENT.—Members shall
2 be appointed for a term of 4 years.

3 (2) VACANCY.—

4 (A) IN GENERAL.—Any vacancy in the
5 Commission shall not affect the powers of the
6 Commission, but shall be filled in the same
7 manner as the original appointment.

8 (B) FILLING UNEXPIRED TERMS.—An in-
9 dividual chosen to fill a vacancy under this
10 paragraph shall be appointed for the unexpired
11 term of the member replaced.

12 (d) INITIAL MEETING.—Not later than 30 days after
13 the date on which all members of the Commission have
14 been appointed, the Commission shall hold its first meet-
15 ing.

16 (e) MEETINGS.—The Commission shall meet at the
17 call of the Chairperson.

18 (f) QUORUM.—A majority of the members of the
19 Commission shall constitute a quorum, but a lesser num-
20 ber of members may hold hearings.

21 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The
22 Commission shall select a Chairperson and Vice Chair-
23 person from among the members of the Commission.

1 **SEC. 303. DUTIES OF THE COMMISSION.**

2 (a) STUDY.—The Commission shall conduct a thor-
3 ough study of all matters relating to emergency ambulance
4 services, including any existing or proposed Federal de-
5 partment or agency rules that impact such services.

6 (b) RECOMMENDATIONS.—The Commission shall de-
7 velop recommendations regarding the improvement of all
8 matters relating to emergency ambulance services, includ-
9 ing any existing or proposed Federal department or agen-
10 cy rules that impact such services.

11 (c) REPORT.—Not later than 1 year after the date
12 of enactment of this Act and annually thereafter, the Com-
13 mission shall submit a report to the President and Con-
14 gress containing a detailed statement of the results of the
15 matters studied by the Commission pursuant to subsection
16 (a), together with the Commission’s recommendations for-
17 mulated pursuant to subsection (b).

18 **SEC. 304. POWERS OF THE COMMISSION.**

19 (a) HEARINGS.—The Commission may hold such
20 hearings, sit and act at such times and places, take such
21 testimony, and receive such evidence as the Commission
22 considers necessary to carry out the purposes of this title.

23 (b) INFORMATION FROM FEDERAL AGENCIES.—The
24 Commission may secure directly from any Federal depart-
25 ment or agency such information as the Commission con-
26 sidered necessary to carry out the provisions of this title.

1 Upon request of the Chairperson of the Commission, the
2 head of such department or agency shall furnish such in-
3 formation to the Commission.

4 (c) POSTAL SERVICES.—The Commission may use
5 the United States mails in the same manner and under
6 the same conditions as other departments and agencies of
7 the Federal Government.

8 (d) GIFTS.—The Commission may accept, use, and
9 dispose of gifts or donations of services or property.

10 **SEC. 305. COMMISSION PERSONNEL MATTERS.**

11 (a) COMPENSATION OF MEMBERS.—Members of the
12 Commission shall receive no additional pay, allowances, or
13 benefits by reason of the service of the members on the
14 Commission.

15 (b) TRAVEL EXPENSES.—The members of the Com-
16 mission shall be allowed travel expenses, including per
17 diem in lieu of subsistence, at rates authorized for employ-
18 ees of agencies under subchapter I of chapter 57 of title
19 5, United States Code, while away from the homes or reg-
20 ular places of business of the members in the performance
21 of services for the Commission.

22 (c) STAFF.—

23 (1) IN GENERAL.—The Chairperson of the
24 Commission may, without regard to the civil service
25 laws and regulations, appoint and terminate an execu-

1 utive director and such other additional personnel as
2 may be necessary to enable the Commission to per-
3 form the duties of the Commission. The employment
4 of an executive director shall be subject to confirma-
5 tion by the Commission.

6 (2) COMPENSATION.—The Chairperson of the
7 Commission may fix the compensation of the execu-
8 tive director and other personnel without regard to
9 the provisions of chapter 51 and subchapter III of
10 chapter 53 of title 5, United States Code, relating
11 to classification of positions and General Schedule
12 pay rates, except that the rate of pay for the execu-
13 tive director and other personnel may not exceed the
14 rate payable for level V of the Executive Schedule
15 under section 5316 of such title.

16 (d) DETAIL OF GOVERNMENT EMPLOYEES.—Any
17 Federal Government employee may be detailed to the
18 Commission without compensation in addition to that re-
19 ceived for service as an employee of the United States,
20 and such detail shall be without interruption or loss of
21 civil service status or privilege.

22 (e) PROCUREMENT OF TEMPORARY AND INTERMIT-
23 TENT SERVICES.—The Chairperson of the Commission
24 may procure temporary and intermittent services under
25 section 3109(b) of title 5, United States Code, at rates

1 for individuals that do not exceed the daily equivalent of
 2 the annual rate of basic pay prescribed for level V of the
 3 Executive Schedule under section 5316 of such title.

4 **SEC. 306. FUNDING.**

5 The Secretary of Labor, the Secretary of Commerce,
 6 and the Secretary of Health and Human Services shall
 7 equally provide to the Commission, out of funds otherwise
 8 available to such Secretaries, such sums as are necessary
 9 to carry out the purposes of the Commission under this
 10 title.

11 **SEC. 307. APPLICABILITY OF FEDERAL ADVISORY COMMIT-**
 12 **TEE ACT.**

13 Section 14 of the Federal Advisory Committee Act
 14 (5 U.S.C. App.) shall not apply to the Commission.

15 **TITLE IV—STUDY AND REPORT**
 16 **REGARDING CONSOLIDATION**
 17 **OF FEDERAL AUTHORITY**
 18 **OVER EMERGENCY MEDICAL**
 19 **SERVICES**

20 **SEC. 401. STUDY AND REPORT REGARDING CONSOLIDA-**
 21 **TION OF FEDERAL AUTHORITY OVER EMER-**
 22 **GENCY MEDICAL SERVICES.**

23 (a) STUDY AND RECOMMENDATIONS.—

24 (1) IN GENERAL.—The Comptroller General of
 25 the United States shall conduct a thorough study

1 and make recommendations on all matters relating
2 to the transfer of all functions (other than the func-
3 tions referred to in paragraph (2)) of Federal agen-
4 cies relating to emergency medical services to a sin-
5 gle Federal agency (and if appropriate, to a specific
6 office within such agency), including the transfer of
7 appropriations and personnel associated with such
8 services to such agency.

9 (2) EXCEPTIONS.—The recommendations for-
10 mulated pursuant to paragraph (1) shall not provide
11 for the transfer of any function—

12 (A) of the Department of Defense; or

13 (B) related to a Federal health care pro-
14 gram (as defined in section 1128B(f) of the So-
15 cial Security Act (42 U.S.C. 1320a–7b(f))).

16 (b) REPORT.—Not later than 1 year after the date
17 of enactment of this Act, the Comptroller General of the
18 United States shall submit a report to the President and
19 Congress containing a detailed statement of the results of
20 the matters studied and recommendations formulated by
21 the Comptroller General pursuant to subsection (b), to-
22 gether with any legislative recommendations that the
23 Comptroller General determines to be appropriate for car-
24 rying out the recommendations.

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